

HOUSE BILL No. 2018

By Committee on Judiciary

1-11

1 AN ACT concerning the probate code; relating to wills; permitting a will
2 or a copy of a will filed within six months after the death of the testator
3 to be admitted to probate at any time; amending K.S.A. 2022 Supp. 59-
4 618a and repealing the existing section.

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6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2022 Supp. 59-618a is hereby amended to read as
8 follows: 59-618a. (a) Any person possessing a decedent's will may file in
9 the district court of the county of the decedent's last residence the
10 decedent's will *or a copy of such will* and an affidavit ~~which~~ *that* complies
11 with subsection (b).

12 (b) (1) An affidavit filed pursuant to this section shall state:

13 (1)(A) The name, residence address and date and place of death of the
14 decedent;

15 (2)(B) the names, addresses and relationships of all the decedent's
16 heirs, legatees and devisees which are known to the affiant after a diligent
17 search and inquiry;

18 (3)(C) the name and address of any trustee of any trust established
19 under the will;

20 (4)(D) that the will is being filed with the district court for the
21 purpose of preserving it for record in the event that probate proceedings
22 are later required; and

23 (5)(E) that a copy of the affidavit and will has been mailed to each
24 heir, legatee and devisee named in the affidavit.

25 (2) *An affidavit filed pursuant to this section on or after July 1, 2023,*
26 *shall state whether the original will or a copy of such will is being filed*
27 *with the court.*

28 (c) Any will *or copy of a will* filed pursuant to this section within a
29 period of six months after the death of the testator may be admitted to
30 probate ~~after such six-month period~~ *at any time after such filing subject to*
31 *any other applicable legal defenses to such admission.*

32 Sec. 2. K.S.A. 2022 Supp. 59-618a is hereby repealed.

33 Sec. 3. This act shall take effect and be in force from and after its
34 publication in the statute book.